

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

AUG 16 2012

*lv*

United States of America

v.

Nicholas Mondragon

MATTHEW J. DYKMAN

CLERK

Case No.

*12mj1940**Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 06/01/2012 - 07/25/2012 in the county of Taos in the  
Judicial District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 USC 641

Theft of Government Property

18 USC 666(a)(1)(A)(ii)

Theft Concerning Programs Receiving Federal Funds

18 USC 1029(a)(2)

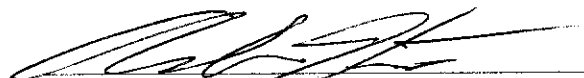
Fraud in Connection with Access Devices

15 USC 1644(a)

Fraudulent Use of Credit Cards

This criminal complaint is based on these facts:

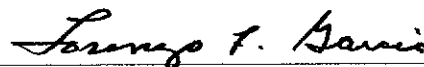
See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Adam Hurt, Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: AUG 16 2012*Judge's signature*City and state: Albuquerque, NM

Lorenzo F. Garcia, U.S. Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR NEW MEXICO

IN THE MATTER OF THE ARREST OF:

**Nicholas Mondragon**

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN**  
**APPLICATION UNDER RULE 41 FOR A**  
**WARRANT TO ARREST**

I, Adam Hurt, being first duly sworn, hereby depose and state as follows:

**I. INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to arrest Nicholas Mondragon.
2. I am a Special Agent with the United States Department of the Interior, Bureau of Land Management (USDO/BLM) Office of Law Enforcement and Security (OLES) and have been since 2011. Prior to this I was a Uniformed Law Enforcement Officer with the United States Department of the Interior, Fish and Wildlife Service for 13 years. I am a graduate of both the Land Management Police Training (LMPT) and Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Center at Glynco, Georgia. I have a Bachelor's degree in Business Administration with a minor in Recreational Leadership. As a BLM agent I am responsible for, and have experience in, investigating theft of government property and fraud and related activity in connection with access devices. I have investigated theft of government property violations in the past which have resulted in successful prosecutions and cost recoveries for the United States Government.
3. The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause.

*SH*  
*AH*

4. In addition to my training and experience as a federal law enforcement officer, I have personally been involved in obtaining federal search and arrest warrants, and I have directed, coordinated and assisted other law enforcement officers in numerous executions of these warrants.
5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

## **II. BACKGROUND and PROBABLE CAUSE**

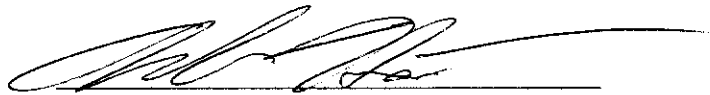
6. My investigation reveals that on 7/20/2012, I was contacted by BLM employee Michael Rodriguez about three attempted Fleet Credit Card (FCC) purchases that were declined and appeared to be suspicious. There were two FCC used, one from a Taos BLM Fire Vehicle and one from a Farmington BLM Fire Vehicle. Taos is part of the Farmington District and they have been working closely together on fires over the last months. The purchases were attempted on 7/19/12.
7. I contacted the shop where one of the purchases was attempted (Outdoorsman of Santa Fe) on 7/20/12. They stated someone did try to make a purchase, but the employee that handled the transaction, Thomas Iddings, would not be back to work until 7/21/12. I spoke with Thomas Iddings on 7/21/12 and showed him pictures of Administratively Determined (AD) Firefighters that were not working a fire on 7/19/12 and would have had time to go to the store to attempt to make a purchase. Iddings quickly identified AD hire Nicholas Mondragon as the individual who came in to make the purchase of a \$2,544.99 pair of binoculars. When questioned about the FCC used for the transaction, Iddings stated Mondragon had the FCC information on his phone. He described the phone as a black smartphone. The charge was declined and Mondragon departed the store without making any other purchases. *The attempted purchase was not authorized. AH*
8. Airgas was the other company where there was two attempted purchases using FCC's for charges in the amounts of \$2,720.00 and \$1,400.00. I contacted Airgas in Santa Fe, NM and an employee, Max Hood, stated an individual from BLM attempted to make a purchase for approximately \$1,400. The BLM employee did not have the FCC with him so the store said they could not charge the purchase. The employee said he might be able to identify the individual from a photograph. I met the employee on 7/24/12 and Max Hood identified Nicholas Mondragon from a photo lineup as the individual who came in and attempted to make the

purchase. Max Hood also stated that the attempted purchase for \$2,720.00 was made at the Airgas store in Albuquerque, NM. I went to the Airgas store in Albuquerque and spoke with employee Gaylen Hood. Gaylen Hood identified Nicholas Mondragon as the individual who came in and attempted to make the purchase from a photo lineup. The items attempted to be purchased were a Power Max Plasma Cutter, a Mig Cart, and a Miller 211 Mig Machine. When questioned about the credit card used for the transaction, Gaylen Hood stated that Mondragon was getting the credit card information from his phone, a black smartphone. *The attempted purchases were not authorized. AA*

9. On 7/25/2012 I interviewed Nicholas Mondragon at the Taos Field Office. After displaying my credentials for Mr. Mondragon inspection, he consented to the interview being recorded. In accordance with DOI/BLM policy Mr. Mondragon was given and affirmed he understood the Garrity Warnings I read to him. During the interview Mr. Mondragon admitted to taking U.S. Government FCC information and using this information to complete or attempt to make unauthorized purchases. Mondragon stated he got the FCC information from a lockbox where the FCC's were stored was left open. Mondragon did not have keys to the lockbox or authorization to enter it. When I questioned Mondragon as to how he stored the FCC information, he stated that he had the credit card information on his phone in text messages. Mondragon also stated pictures of the credit cards had been taken. Mondragon admitted to sharing the credit card information with a Mike Archuleta and Gabriel Romero.
10. Additional unauthorized purchases were found to be made after the interview with Mondragon. Special Agent Eric Richardson went to 4-Wheel Parts Performance Center in Albuquerque, NM and spoke with employee Robert Sotela. Robert Sotela stated an individual claiming to be with the BLM purchased a winch for the amount of \$1,187.99. Robert Sotela identified Mondragon from a photo lineup as the individual who came in and made the purchase.
11. Agent Richardson also went to Fastenal in Albuquerque, NM and spoke with employees Wendy Wallace and Mark Christopher. They stated an individual claiming to be with the BLM purchased four power tools for the amount of \$1,169.96. Mark Christopher identified Mondragon from a photo lineup as the individual who came in and made the purchase. Wendy Wallace identified Mondragon or a second individual on the photo lineup as the person who came in and made the purchase. *The attempted purchase was not authorized. AA*
12. I submit that this affidavit supports probable cause for the arrest of Nicholas Mondragon for

violations of 18 USC 641 theft of U.S. Government property, 18 USC 666(a)(1)(A)(ii) Theft Concerning Programs Receiving Federal Funds, 18 USC 1029(a)(2) Fraud in Connection with Access Devices, 15 USC 1644(a) Fraudulent Use of Credit Cards – DOB 04/30/83 – Address: 205 Camino Del Rincon, Santa Fe, NM 87506

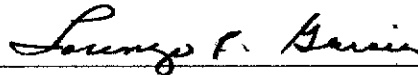
Respectfully submitted,



Adam Hurt ,  
Special Agent  
USDOJ / BLM

Sworn to before me and subscribed in my  
presence on

August 16, 2012



Lorenzo F. Garcia

UNITED STATES MAGISTRATE JUDGE